IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.MC.No. 2299 of 2006()

CP.34/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT, RANNI

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PETITIONER: ACCUSED :

SUMAM P.S., AGED 48 YEARS,
W/O. SIVADASAN, NIKHIL BHAVAN,
NADUKKUNNAM, PATHANAPURAM,
PATHANAMTHITTA.

BY ADV. SRI.V.BHASKARAN PILLAI
SRI.B.VINOD
SMT.V.JISHA RANI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
THROUGH CIRCLE INSPECTOR OF POLICE
RANNI POLICE STATION, PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 2299 OF 2006

Dated this the 5th day of June, 2007

ORDER

The petitioner is accused No.2 and she faces indictment for an offence punishable under Sec.402 of the IPC. She, it is stated, is a teacher in a school. The crux of the contention raised by her is that there is no worthwhile allegation against the petitioner to attract culpability for the offence under Sec.402 of the IPC.

2. After discussions at the Bar, it is agreed that the petitioner can be left to claim discharge under Sec.227/228 of the Cr.P.C. The learned Sessions Judge must consider the petitioner's plea for discharge on merits, in accordance with law and expeditiously. Until such decision on the question of framing charge is taken, unnecessary personal appearance of the petitioner shall not be insisted by the committal court or the Sessions Court. Where such personal presence is

absolutely essential for the progress of the case, the learned Magistrate/Sessions Judge concerned must give a specific direction to the petitioner to appear if such personal presence is necessary.

3. I am informed that during the pendency of the proceedings, a non-bailable warrant of arrest has been issued against the petitioner for the reason that the interim stay was not extended in time. I direct that the warrant of arrest shall not be executed against the petitioner till 23/6/07 before which date the petitioner shall appear and offer bail before the committal court.

4. With the above observations/directions, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge